

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00355-01-CR-W-HFS
ROBERT L. HENDERSON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 12, 2006. Defendant Robert Henderson appeared in person and with appointed counsel Lance Sandage. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On September 30, 2005, an indictment was returned charging Defendant with one count of possessing a firearm after having been convicted of a crime punishable by imprisonment for greater than one year, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Christopher Allen, Special Agent, ATF.

Mr. Sandage announced that he will be the trial counsel for Defendant Henderson.

III. OUTSTANDING MOTIONS

There are no pending motions in this case

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call ten witnesses without stipulations or eight witnesses with stipulations during the trial.

Mr. Sandage announced that Defendant Henderson intends to call four witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately thirty exhibits in evidence during the trial.

Mr. Sandage announced that Defendant Henderson will offer approximately ten exhibits in evidence during the trial.

VI. DEFENSES

Mr. Sandage announced that Defendant Henderson will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Sandage stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to Defendant's prior felony convictions and the nexus of the firearm to interstate commerce.

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 19, 2005, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **Wednesday, July 12, 2006;**

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, **Wednesday, July 19, 2006;**

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, **Wednesday, July 19, 2006.** Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and ½ inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues have been filed: (1) other drug paraphernalia found in the hotel room, which is contested; (2) the fact that the firearm was stolen, with which the government agrees; and (3) Defendant's prior convictions, with which the government agrees. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on July 24, 2006. The parties seek the second week of the docket, as the case agent will be otherwise occupied during the first week.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
July 12, 2006

cc: The Honorable Howard F. Sachs
Mr. Paul Becker
Mr. Lance Sandage
Mr. Jeff Burkholder